

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

PAULETTE GABBIDON,

Plaintiff,

v.

CIVIL ACTION NO. 1:19-00828

DAVID R. WILSON, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

By Memorandum Opinion and Order entered on March 28, 2023, the court directed that “[w]ithin thirty (30) days of entry of this Order, Gabbidon should inform the court if she intends to obtain counsel to represent her in this matter or if she will proceed pro se. Should she do so, the court will reinstate the matter to the court’s active docket and enter a new scheduling order. If nothing is filed by plaintiff within said thirty (30) days or counsel does not enter an appearance on her behalf, the matter will be dismissed.” ECF No. 163. On April 24, 2023, plaintiff filed a motion asking for additional time to find an attorney and informing the court that she would be proceeding pro se. See ECF No. 166. No attorney has entered an appearance on plaintiff’s behalf. Nor has Gabbidon made any efforts to contact the court or to prosecute her case. Furthermore, the

court's order directing the remaining parties¹ to meet and confer and "to jointly submit a proposed scheduling order for the remaining deadlines" has gone unanswered. It is believed that plaintiff is out of the country and the only contact information available is an email address found within ECF No. 166.

Gabbidon's motion for an extension of additional time to find an attorney is **GRANTED** and she has until March 8, 2024, to obtain a new attorney to represent her in this matter. Should she fail to do so, the court will dismiss this case for failure to prosecute. Plaintiff has failed to prosecute this matter on her own behalf.

The Clerk is directed to send a copy of this Order to counsel of record and any unrepresented parties.²

IT IS SO ORDERED this 15th day of February, 2024.

ENTER:

David A. Faber
David A. Faber
Senior United States District Judge

¹According to the court's docket, the only remaining defendant is Jerrod Grimes who is incarcerated. A notice of suggestion of death for defendant David R. Wilson was filed on March 30, 2023. No motion for substitution was made within 90 days. Therefore, the claims against him are **DISMISSED**. See Federal Rule of Civil Procedure 25(a)(1).

²The court does not communicate with pro se parties via email. Nevertheless, should the Clerk's Office have the capability to do so, it is directed to send a pdf copy of this Order to plaintiff via email. In addition, should plaintiff desire to make further filings, she is directed to communicate with the Clerk's Office regarding her available options.